

Remarks

Claims 1 and 8-12 are pending and subject to a restriction requirement. Claims 1, 9, and 12 have been amended. Support for the claim amendment can be found throughout the application, including the claims as originally filed. Importantly, no new matter has been added to the claims. The amendments to the claims should not be construed to be an acquiescence to the restriction requirement. The amendments to the claims are being made solely to expedite the prosecution of the above-identified application. The Applicant reserves the right to further prosecute the same or similar claims in subsequent patent applications claiming the benefit of priority to the instant application. 35 USC § 120.

Restriction Requirement

In response to the outstanding Restriction Requirement in the above-identified application, mailed March 15, 2005, the Applicants respectfully elect with traverse **Invention X**, claims 1 and 8-12, drawn to a cardiovascular imaging agent, method of imaging, and kit comprising an imaging agent wherein the targeting moiety is a component of clotting, classified in class 424, subclass 9.4.

However, the Applicants respectfully assert that simultaneous examination of Inventions I through IX (same claims) would not place an undue burden on the Examiner because the claims of the Inventions are generally related to imaging agents all of which are in the same class and subclass, i.e. class 424 and subclass 9.4. Thus, a search for Invention X would necessarily entail searching for Inventions I through IX as well. *See* MPEP § 803 (“If the search and examination of an entire application can be made without serious burden, the [E]xaminer must examine it on the merits, even though it includes claims to independent or distinct inventions.”).

The Applicants respectfully submit that instead of a Restriction Requirement, an Election of Species based on the same 10 categories would be more appropriate and fair to both the Applicants and Examiner.

If the Examiner is persuaded to only make an Election of Species and not a Restriction Requirement, the Applicants Elect a component of clotting as the species and do not wish to amend the claims.

However, if the Examiner maintains her position, the Applicants elect Invention X. In addition, the Examiner has requested an Election of Species within Invention X for searching purposes. The Applicants elect fibrin as a species within Invention X.

Therefore, the Applicants respectfully request that the Examiner modify the instant Restriction Requirement and make an Election of Species in accordance with the Applicants' above election instead.

Fees

The Applicants believe they have provided for the required fees in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any additional required fee to our Deposit Account, **06-1448**.

Conclusion

If, for any reason, a telephonic conference with the Applicants would be helpful in expediting prosecution of the instant application, the Examiner is invited to call Applicants' Agent at the telephone number provided below.

Respectfully submitted,
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